

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 88-026

AN ORDER REQUIRING ICI AMERICAS, INC., RICHMOND PLANT, CONTRA COSTA COUNTY, TO CEASE AND DESIST FROM VIOLATING WASTE DISCHARGE REQUIREMENTS, ORDER NO. 84-88

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. On December 18, 1984, the Regional Board adopted Order No. 84-88 (NPDES No. CA0006157) prescribing waste discharge requirements for ICI Americas Inc. (formerly Stauffer Chemical Company), Richmond plant (hereinafter referred to as the Discharger).
2. Order No. 84-88, provides, in part as follows:

"Prohibition A.1.

Discharge of Waste 001 which contains constituents of concern, and is discharged at a location that does not receive a minimum of 10:1 dilution, is prohibited."

and,

"Provision D.2.

The Discharger shall comply with Prohibition A.1. by July 1, 1987. The Discharger shall submit by July 15, 1985 a proposal with time schedule for achieving compliance. Compliance may be achieved by demonstrating to the satisfaction of the Board that an exception to the Basin Plan Prohibition should be granted. ..."

3. The Discharger submitted a report titled "Request For Exemption To Deep-Water Outfall Requirement" on July 1, 1986, and amended it with a submittal on February 3, 1987. The Discharger has requested an exception on the basis that the discharge of treated wastewater to two evaporation ponds provides the net environmental benefit of increased wildlife habitat.
4. The sediments in the evaporation ponds contain some pesticides and heavy metals. Under the provisions of the Toxic Pits Cleanup Act, the Discharger must sample and analyze the pond sediments, and the pond waters, of the two ponds, to determine if they are a hazardous waste as defined by California Administrative Code, Title 2, Division 4, Chapter 30.
5. Because of the potential value of the evaporation ponds, a final determination on the Discharger's request for exception should not be made until the Discharger has complied with the provisions of the Toxic Pits Cleanup Act.

6. The Board adopted Order No. 87-080 on July 15, 1987, amending Order No. 84-88 by revising Provision D.2. to extend the Prohibition A.1. compliance date to January 22, 1988. The extension was granted to allow the Discharger time to demonstrate compliance with the Toxics Pit Cleanup Act (TPCA).
7. On November 2, 1987 the Discharger submitted a report containing the TPCA sampling and analysis results. These results indicate that the evaporation ponds may contain hazardous waste. Consequently, the evaporation ponds would have to be closed pursuant to the requirements of TPCA, and thus, will not provide a net environmental benefit.
8. The Discharger is currently conducting additional sampling and analysis of the evaporation ponds to verify the presence of hazardous waste in the ponds and to confirm the applicability of TPCA.
9. The Discharger is in violation of Prohibition A.1. and Provision D.2. of Order No. 84-88, as amended by Order No. 87-080.
10. This action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of Chapter 3 (commencing with Section 21110 of Division 13) of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
11. The Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge, and has provided them with an opportunity to submit their written views and recommendations.
12. The Board in a public meeting heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED THAT, the Discharger cease and desist from violating waste discharge requirements contained in Order No. 84-88, as amended by Order No. 87-080, as follows:

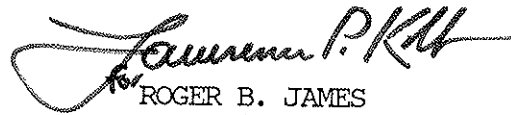
A. Provision D.2. is revised to read:

The Discharger shall achieve compliance with Prohibition A.1. in accordance with the following time schedule:

<u>Task</u>	<u>Deadline</u>
Complete TPCA sampling and analysis and submit results.	April 1, 1988
Submit revised exception request reflecting TPCA findings.	June 1, 1988
Achieve full compliance with Prohibition A.1.	September 1, 1988

- B. If the Executive Officer finds that the Discharger has failed to comply with specifications of this Order, he is authorized after approval of the Board's Chairman, to request the Attorney General to take the appropriate enforcement action, including injunction and civil monetary remedies, if appropriate.
- C. If the Executive Officer determines that the specifications of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons why the Discharger has been unable to comply with the specifications of this Order.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 17, 1988.

  
for  
ROGER B. JAMES  
Executive Officer